



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street  
San Francisco, CA 94105-3901

November 30, 2004

Watson Gin, Deputy Director  
Hazardous Waste Management Program  
Dept. of Toxic Substances Control  
P. O. Box 806  
Sacramento, CA 95812-0806

Dear Mr. Gin:

*Watson*  
Congratulations on your success in fulfilling the workplan of the RCRA/C 3011 Cooperative Agreement (grant) for State Fiscal Year (SFY) 2003/2004.

A concentrated push by both management and staff during the last months of FFY 04 yielded major success for both corrective action environmental indicators (EI) established for 2005 under GPRA. California completed 22 Human Health EIs out of 20 established as the goal, and 16 Groundwater EIs out of a goal of 16. Not only was this a hard-won victory for DTSC this year, but also the agency's progress positions it well to achieve the final goals for 2005 and the additional goals for 2008.

Among your enforcement achievements, you settled cases across a wide range of RCRA issues:

- Cases with significant penalties, such as the Aerojet (\$1,200,000) and Phibro-Tech (\$425,000) cases.
- Cases which involved inadequate financial assurance, such as the Mirant Delta, BC Stocking, Onyx, Whittaker and Southern California Edison cases.
- Cases which were based on detailed technical analysis, such as the Chemical Waste Management (Bakersfield), U.S. Filter, Dune, Caspian and Technichem cases.
- Cases pertaining to compliance on the Border, such as the Rho-Chem and Pacific Trans Environmental Services cases.
- Cases containing Supplemental Environmental Projects (SEPs). The P. Kay Metals settlement contained a particularly innovative SEP that obliged the company to maintain an International Organization for Standardization (ISO) certification for 3-years.

I also would like to acknowledge your effort to obtain facility-specific data relating to CUPA inspection and enforcement activity at Large Quantity Generators (LQGs). More than 1,100 inspection records, and, when applicable, records of their associated enforcement actions, have been entered into the RCRAInfo data base and by extension the Enforcement and Compliance History Online (ECHO) database. This is a nationally significant achievement.

Letter to Watson Gin  
November 30, 2004  
Page 2

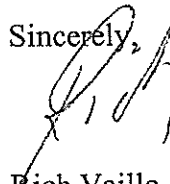
In the past two state fiscal years, DTSC has achieved a continually improving rate of reporting in RCRAInfo for both permitting and corrective action events; 80% and 68%, respectively, versus 35% to 40 % in the previous year. For essential activity categories such as permits issued and closures, reporting is now at 100% accuracy.

Enclosed is the draft SFY 2003/2004 hazardous waste program evaluation under the grant. The evaluation is based on our review of DTSC's quarterly reports and self-assessments, and meetings conducted this month with your managers. All of the highlights and issues identified in the evaluation have been discussed with your staff.

Please review the enclosed draft report for accuracy and completeness. The report will become final on January 3, 2005, unless you provide comments before then.

If you have any questions or comments, please call me at (415) 972-3378 or have your staff contact Rebecca Smith at (415) 972-3313.

Sincerely,



Rich Vaille  
Associate Director  
Waste Management Division

Enclosure

cc: Patricia Norton, EPA  
Rebecca Smith, EPA  
Suzanne Holmes, DTSC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

November 29, 2004

California RCRA/C 3011 SFY End of Year Report  
(00936304-0)

This report evaluates California's hazardous waste management activities and results under the first year of a two year SFY 2004/05 USEPA/California Cooperative Agreement (grant). The report evaluates California's complete hazardous waste management program (RCRA/C) and includes a discussion of the grant activities that California formally committed to complete.

1. California was authorized to implement the RCRA/C program in lieu of USEPA on August 1, 1992. California was authorized to implement a revised RCRA/C program on September 26, 2001.
2. "SFY 04/05" (State Fiscal Year 2004-2005) indicates the two-year grant cycle from July 1, 2003 to June 30, 2005. "SFY 04" is the first year of the grant, July 1, 2003 to June 30, 2004; "SFY 05" is the second year of the grant, July 1, 2004 to June 30, 2005.
3. Work plan commitments have been met.

## I. Statewide Compliance

### Highlights

#### a. Inspection

California's Regulated Universe***						
Active TSD*	Inactive TSD	LDF*	Combustion	LQG*	Sub-LQG	Transporter
50	163	3	2	2,500**	40,616	2.925

\* TSD (Treatment, Storage and Disposal Facility), LDF (Land Disposal Facility), LQG (Large Quantity Generator)

\*\* See Item III.c. below for more information regarding this LQG estimate figure.

\*\*\* Source: RCRAInfo 10/20/04, except LQG, which is from the 2003 Preliminary National Biennial RCRA Hazardous Waste Report

<b>Inspection Accomplishments</b>			
<b>Type of Facility</b>	<b>Commitment</b>	<b>Outcome</b>	<b>Percent Reported in RCRAInfo</b>
<b>TSD</b>	<b>92</b>	<b>89</b>	<b>84%</b>
<b>LQG</b>	<b>60</b>	<b>79</b>	<b>161%</b>
<b>Transporter</b>	<b>50</b>	<b>69</b>	<b>57%</b>
<b>Tip &amp; Complaints</b>	<b>no commitment</b>	<b>72</b>	<b>N/A</b>

1. DTSC met or exceeded most of its inspection commitments. DTSC should be commended for generally exceeding its grant commitments. As noted in Item I.c.2. below, California counties (CUPAs) inspected 993 LQGs.
2. There were two joint oversight inspections conducted during SFY 04. In both instances the inspectors, Lief Peterson and Albert Fujitsubo, demonstrated that they had thoroughly prepared, were proficient in performing a quality inspection and possessed sound report writing skills.
3. DTSC should also be commended for their monitoring of federal facilities compliance with Section 6002 of RCRA. USEPA Region 9 expects to issue the nation's first enforcement action for inadequate adherence to that Section 6002's Comprehensive Procurement Guidelines based on information collected by Barbara Heinrich of the Statewide Compliance Division (SCD).

**b. Enforcement Program**

<b>Enforcement Actions</b>					
<b>Agency Action</b>	<b>Number</b>	<b>Timely (%)</b>	<b>Goal (%)</b>	<b>Criteria (days)</b>	<b>Percent Reported in RCRAInfo</b>
<b>Informal Actions</b>	<b>55</b>	<b>54 (98%)</b>	<b>80</b>	<b>150</b>	<b>100%</b>
<b>Formal Actions</b>	<b>34</b>	<b>25 (74%)</b>	<b>80</b>	<b>240</b>	<b>79%</b>
<b>Settlements</b>	<b>28</b>	<b>15 (54%)</b>	<b>80</b>	<b>360</b>	<b>75%</b>
<b>Enforcement SEPs**</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>0 %</b>

\*\* SEP (Supplemental Environmental Project)

<b>Trends of Key Compliance Program Indicators</b>			
<b>Indicator</b>	<b>SFY 2003</b>	<b>SFY 2004</b>	<b>SFY 2005</b>
<b>Inspections</b>	<b>222</b>	<b>295</b>	
<b>TSDF Inspections</b>	<b>59</b>	<b>73</b>	
<b>Inspections w/ Violations</b>	<b>119</b>	<b>119</b>	
<b>Inspections w/SNC*</b>	<b>9</b>	<b>14**</b>	
<b>Informal Actions</b>	<b>34</b>	<b>53</b>	
<b>Timeliness of Formal Actions</b>	<b>29%</b>	<b>74%</b>	
<b>Settlements</b>	<b>31</b>	<b>39</b>	
<b>SEPS</b>	<b>1</b>	<b>1</b>	
<b>Value of SEPs</b>	<b>\$20,000</b>	<b>\$46,502</b>	
<b>Number of State Inspectors</b>	<b>49</b>	<b>47</b>	

\* SNC (significant non-complier)

\*\* RCRAInfo contains no SNC data. The 14 SNCs are reported in DTSC's self-evaluation.

1. DTSC continues to manage an effective RCRA enforcement program. Violations were identified at over 50% of the facilities inspected. All violations received follow-up formal or informal enforcement actions.
2. During SFY 04, 52 of the 53 Notices of Violation (NOVs) were issued within the 150-day timeframe set forth in the Hazardous Waste Civil Enforcement Response Policy (December, 2003). DTSC was 98% timely in its issuance of informal enforcement actions. Forty of these Secondary Violators were returned to compliance within the requisite 240-days. Therefore, DTSC was 75% timely in processing informal enforcement actions. This is a respectable performance regarding the issuance and execution informal enforcement actions.
3. In 25 of the 34 DTSC formal enforcement actions either a Show Cause Letter or Administrative Order was issued within the 240-day timeframe or the case was referred for litigation within the required 360-day timeframe. DTSC was 74% timely in its handling of formal enforcement actions. This is a significant improvement from SFY 03 when DTSC was 29% timely. DTSC should be commended for expediting their formal enforcement process.
4. DTSC settled cases across a wide range of RCRA regulatory issues. Among the notable cases were:
  - Cases with significant penalties, such as the Aerojet (\$1,200,000) and Phibro-Tech (\$425,000) cases;
  - Cases which involve inadequate financial assurance, such as the Mirant Delta, BC Stocking, Onyx, Whittaker and Southern California Edison

cases. DTSC also conducted 76 financial record reviews during SFY 04. Assuring financial responsibility continues to be a national priority for the RCRA program;

- Cases pertaining to compliance on the Border, such as the Rho-Chem and Pacific Trans Environmental Services cases;
  - Cases containing Supplemental Environmental Projects (SEPs); The P. Kay Metals settlement, a Non-RCRA case, contained a particularly innovative SEP that obliged the company to maintain an International Organization for Standardization (ISO) certification for 3-years; and
  - Cases that compelled the removal and proper management of significant amounts of hazardous waste and contaminated media, such as in the Port of San Francisco and Caspian cases.
5. During SFY 04, DTSC used Interagency Agreements to support compliance assurance efforts. DTSC contracted UC-Riverside to conduct sampling and survey the jewelry industry for information as part the ongoing Jewelry Mart Initiative. Also under an Interagency Agreement, DTSC inspected 13 Department of Corrections (DOC) facilities. The report of DTSC's inspection findings should help the DOC to maintain RCRA compliance system wide.

**c. CUPA Program or County Enforcement Activities**

1. Oversight of 82 Certified Unified Program Agencies (CUPAs) presents a formidable challenge and EPA acknowledges that DTSC allocated significant resources to the oversight and continued development of the CUPAs' hazardous waste generator inspection and enforcement program. During SFY 04, 20 CUPAs underwent triennial evaluations, 35 inspections were targeted and conducted in CUPA jurisdictions and 970 individual requests for technical guidance by the CUPAs were responded to by SCD. SCD also began planning to assume the role of the CUPA in Imperial and Trinity County. Additionally, DTSC provided valuable guidance to the CUPAs through its participation at the Unified Program Annual Conference, the Inspection Subcommittee, the Evaluations Workgroup, the Administrative Enforcement Order Technical Advisory Group, the Data Steering Committee, the Technical Group on Information and Forms, and the UP Administrative and Advisory Group. DTSC should be commended for these activities.
2. There were some singular achievements in the management of the CUPA program during SFY 04. DTSC spearheaded an effort to obtain facility-specific data relating to CUPA inspection and enforcement activity at Large Quantity Generators (LQGs). Due to the acquisition of this data, over 1,100 inspection records, and, when applicable, record of their associated enforcement actions, have been entered into the RCRAInfo data base and by extension the Enforcement and Compliance History On-line (ECHO) database. This is a nationally significant achievement.
3. DTSC provided the impetus for the formation of the Unified Program Inspections Subcommittee. DTSC's triennial evaluators discovered that many CUPA inspection reports lacked sufficient detail to determine a facility's compliance

history with respect to individual RCRA requirements. The lack of a sufficient level of detail made recalcitrant violators difficult to identify. In response to this problem, the newly formed Subcommittee was charged with developing guidance and an annual training module for the CUPA Conference that establishes the minimum elements of a quality CUPA inspection report. DTSC should be commended for motivating the Unified Program to improve its inspection report standards, thus strengthening its overall enforcement program.

**d. Other Accomplishments**

1. During SFY 04, SCD processed 726 complaints, investigating 135 internally. This is significant work both in terms of effort and importance. Public agencies need to be accessible and responsive to the public and SCD assures that DTSC is responsive.
2. DTSC did a commendable job supporting EPA's Enforcement Watch List project. The SCD Field Offices provided timely updates on Watch List facilities. These updates were used to draft the Watch List's Quarterly Regional Response Reports.
3. SCD exerted significant resources during SFY 04 as a result of the findings of an inspection conducted at the Atlas Iron and Metals facility. SCD conducted the inspection at the request of the Los Angeles Unified School District due to the Atlas's proximity to Jordan High School. The inspection broadened into an investigation of Atlas's on-site waste piles and soil on Jordan High School's ballfield. Elevated levels of lead and PCBs were detected at both locations. DTSC, through the Attorney General's Office, is seeking injunctive relief from Atlas. SCD continues its best effort to protect Jordan High School's student and teacher population.

**e. Issues and Recommendations**

**Issue:**

DTSC needs to assure that all generators with a Class I violation (i.e., all Significant Non-Compliers (SNCs)) in California are addressed by a formal enforcement response, which includes a penalty. This issue was raised in last year's End of Year Report, because the 2001/2002 CUPA Summary Data implied that 150-SNCs did not receive a formal enforcement response from the CUPAs. DTSC developed a plan to address the problem, but did not implement the plan. The 2002/2003 Summary Data received implies that 254-SNCs did not receive a formal enforcement response.

**Recommendation:**

DTSC should take steps to assure that SNCs in California are the subject of appropriate enforcement sanctions. If the violator was not a SNC or did not merit a formal enforcement action, DTSC should document its revised characterization of that potential SNC. Additionally, DTSC should require the CUPA to submit revised Summary Data to Cal/EPA.

**Issue:**

USEPA conducted inspections in two CUPA jurisdictions that did not identify SNCs

despite conducting hundreds of generator inspections each year. USEPA's 24 inspections uncovered 6 SNCs. These inspection efforts seemed to reinforce the ongoing perception from the Summary Data that not all CUPAs are adequately identifying SNC non-compliance during inspections.

**Recommendation:**

DTSC should use the annual Summary Data and the Evaluation process to focus on, and work with, CUPAs who are consistently not finding SNCs.

**Issue:**

During SFY 04, the average penalty collected by DTSC was \$69,782, which the average RCRA penalty collect by the CUPAs was \$3,431. The penalties collected by the CUPAs appear low.

**Recommendation:**

During evaluations, DTSC should provide feedback and guidance to the CUPAs on the appropriateness of their assessed and collected penalties. Courses at the annual CUPA Conference could also be used as vehicles to stress more appropriate penalties. As part of its oversight responsibilities DTSC should ensure that CUPAs are assessing penalties in accordance with the penalty policy contained in Title 22 of the California Code of Regulations.

**Issue:**

At the present time, not all CUPA compliance data is being fed into the RCRAInfo database.

**Recommendation:**

To solve this issue, California has applied for and received a National Environmental Information Exchange Network (NEIEN) grant to develop a data system that will centrally collect inspection and enforcement data from the CUPAs then supply that data to RCRAInfo. To ensure that the NEIEN grant commitments are met, DTSC needs to continue to participate on the Unified Program Data Steering Committee and the Technical Group on Information and Forms.

**Issue:**

SCD's Self Assessment details 14 SNC cases based on SFY 04 inspections. Currently, RCRAInfo does not contain the proper data entries to identify these cases as SNCs.

**Recommendation:**

DTSC needs to enter an "SNY" record into RCRAInfo's evaluation table on the date that a violator has been determined to be a SNC. DTSC needs to fix the SFY 04 SNC data and identify the root cause of this data lapse, such that this problem does not reoccur.

## **II. Permits and Corrective Action**

### **Highlights**

**Preface:** In the tables below, "Permit Accomplishments" and "Corrective Action Accomplishments", please note that EPA has selected certain categories of outputs to evaluate progress for SFY2004. While we are aware that DTSC completed considerable additional work



during the year in accomplishing many intermediate program milestones, EPA intends to evaluate the performance of each of our states according to the same limited number of permitting and corrective action events. WE do so to more easily compare progress across the states and the nation according to nationally-recognized milestones, and to underscore the need for states to focus their grant-funded efforts on the most significant RCRA program milestones.

**a. Permits/Closure/Post-Closure**

<b>Permit Accomplishments</b>			
<b>Type of Permit</b>	<b>2004 BYP* Commitments</b>	<b>Accomplishments</b>	<b>Percent Reported in RCRAInfo</b>
<b>Operating</b>	<b>9</b>	<b>3</b>	<b>100%</b>
<b>Post-Closure or Orders</b>	<b>5</b>	<b>6</b>	<b>83%</b>
<b>Closures</b>	<b>6</b>	<b>7</b>	<b>100%</b>

\*BYP (Beginning of Year Plan)

1. Post Closure Permits: EPA congratulates DTSC's sustained commitment to issue final post-closure permits. In EPA's End of Year evaluation for last year, EPA noted that in SFY 03, DTSC met its work plan target goal (100%) in this output category for the first time in several years. In SFY 04, DTSC maintained focus on this important goal and exceeded its work plan target goal by issuing 6 post-closure permits, one over its commitment for the year. DTSC is commended for maintaining management focus on this important goal.
2. GPRA Permitting Goals: California again completed more than its share of the national permitting workload as measured by "kudos" achieved under GPRA. EPA Region 9's goal for FFY 2004 was 7 kudos for the entire region (California, Arizona, Hawaii, Nevada, and the Pacific Islands). As a region, we accomplished 11 kudos; of these, California achieved 6. Even more impressive news is that California is now at 90% of its permitting goal established for the 2008 GPRA indicators. Note that the national goal requires each state to achieve 95% by 2008, so DTSC has set a strong pace of success.

**b. Corrective Action**

<b>Corrective Action Accomplishments</b>			
<b>Type of Action</b>	<b>2004 BYP Commitments</b>	<b>Accomplishments</b>	<b>Percent Reported in RCRAINFO</b>
<b>RFA</b>	<b>5</b>	<b>5</b>	<b>100%</b>

Corrective Action Accomplishments			
Type of Action	2004 BYP Commitments	Accomplishments	Percent Reported in RCRAINFO
RFI	10	9	78%
CMS	0	2	50%
Remedy Selection Baseline	0	0	0
Remedy Selection Non-baseline	0	0	0
CMI	0	0	0
Construction Complete Baseline	0	0	0
Construction Complete Non-baseline	0	0	0
Human Health	20 (EPA Commitment for FFY 2003 for all Region 9 states)	22	n/a
Groundwater	16 (EPA Commitment for FFY 2003 for all Region 9 states)	16	n/a

1. Completion of EIs for groundwater and corrective action: A concentrated push by both management and staff during the last months of FFY 04 yielded major success for both categories of environmental indicators established for 2005 under GPRA. California completed 22 Human Health EIs out of 20 established as the goal, and 16 Groundwater EIs out of a goal of 16. Not only was this a hard-won victory for DTSC this year, but also the agency's progress positions it well to achieve the final goals for 2005 and the additional goals for 2008.
2. Data Reporting, Completeness and Accuracy: In the past two state fiscal years, we have noted a continually improving rate of reporting in RCRAInfo for both permitting and corrective action events. For SFY 02, EPA noted that only 35% to 40% of outputs listed in the DTSC self-assessment actually appeared in RCRAInfo. For SFY 03, we noted a significant improvement: permit activity was accurately reported for 80% of outputs, while corrective action activity was accurately reported for 68% of outputs. For this SFY 04 evaluation, EPA examined data reporting only on the events judged to be most significant, e.g.

those which appear in the tables above. In examining these output categories, it appears that accuracy in reporting is continuing to improve. For essential activity categories such as permits issued and closures, reporting is now at 100% accuracy.

**c. Issues and Recommendations:**

**Issue:**

**DTSC did not achieve the grant commitment goal for issuing Final Permit Determinations. DTSC planned to complete 9 permits during SFY 04 but completed 3. The narrative on "Missed Commitments" provided for this shortfall in DTSC's self-assessment does not indicate an clear rationale of why permit issuance is not occurring as scheduled.** Some of the justifications provided in the narrative discuss revised plans and schedules for the issuance of draft permits, whereas the goal in the grant work plan is the issuance of final permit determinations.

**Recommendation:**

In planning for the next two-year grant cycle, DTSC and EPA need to reevaluate final permits yet to be issued and plan for realistic targets, keeping in mind the permitting goals needed to be achieved under GPRA. In its "Permitting and Corrective Action Biennial RCRA/C-3011 Grant Work plan Year 2003-2005," dated April 2003, DTSC noted its intention to "issue 5 to 7 final permit determination annually for treatment and storage facilities and/or units listed in the GPRA RCRA Permitting Program Baseline until 2005" (p.4). Since DTSC only completed 3 this year, DTSC and EPA need to reassess progress to date and determine how many additional permits will need to be issued in order to stay on top of their grant commitments/goals.

**Issue:**

GPRA Corrective Action Environmental Indicators for 2008: For future planning for upcoming workplans, we note that DTSC will need to start committing more attention to its CA 400 and CA550 indicators, which are not only established milestones in the corrective action program but also GPRA goals for 2008. These goals will not apply until 2006. However, early planning should ensure that we are prepared to meet these additional goals.

**Recommendation:**

DTSC and EPA will be conducting file reviews in the coming months to ascertain baseline progress to date on CA 400 and CA 550, and estimate what must be achieved by 2008. In planning for the next two-year grant cycle, DTSC and EPA need to account for these two goals and set target accordingly.

### **III. Data Management**

#### **Highlights**

**a. RCRA/C Data Requirements**

1. State Compliance: DTSC provided EPA HQ with extensive comments on the Win/Informed Project, which is important to the continuous improvement of the national RCRAInfo database.

2. State Compliance: DTSC staff cleaned up the 2003 and 2004 ICE (Inspections Compliance Enforcement database) data before they loaded the data to the national RCRAInfo database. Clean up included reviewing entries for accuracy and correcting data conversion records.
3. State Compliance: SCD continued to successfully document ICE problems that need to be corrected to allow the ICE system to function properly. These problems were shared with DTSC's OEIM division.
4. Permits and Corrective Action: Dave Wright and his staff successfully implemented the Hazardous Waste Permitting (HWP) Database. Dave consistently hosted informative quarterly data meetings with regional DTSC staff and managers, disseminated helpful information, and invited EPA to participate in data discussions.
5. Permits and Corrective Action: The Permit Division and OEIM have been successfully creating data flat files and sending them to EPA to be uploaded into the national RCRAInfo data base.

**b. Biennial Report (BRS)**

1. DTSC, especially Frank Lauricella, and David Wright, did an outstanding job managing the BRS program. DTSC's willingness to create a database for inventory tracking and conduct a cursory data quality review with EPA's contractors resulted in quick data clean-up efforts. As a result, EPA Region 9 was able to successfully load the DTSC's data into RCRAInfo on schedule.
2. DTSC conducted several community outreach workshops in Sacramento, Berkeley, and Glendale and provided web posting of BRS information for filers.
3. DTSC used their manifest data to insure that all potential filers were asked to file a Biennial Report.

**c. Issues and Recommendations**

**Issue:**

Despite notable long range planning efforts over the past three years to achieve the goal of successfully translating ICE data to RCRAInfo, DTSC has not yet implemented a self sufficient electronic translation program to properly load ICE data into RCRAInfo. The data clean-up project and the sequence number project was delayed for several months because of database programming and communication problems between SCD and OEIM, test server problems, and the lack of available staff and resources.

**Recommendations:**

EPA recommends that SCD and OEIM continue their weekly meetings with USEPA where they can agree on priorities and commitments and maintain a higher degree of communication.

EPA recommends that DTSC develop a schedule of issues, commitments, and task completion dates.

EPA recommends that DTSC develop a data quality control plan to track and clean up data errors.

**Issue:**

EPA anticipates the release of RCRAInfo Version 3 in the spring of 2005, which will result in changes to how data will be converted from ICE to RCRAInfo.

**Recommendations:**

EPA encourages DTSC to participate in EPA RCRAInfo national conference calls and share their feedback and comments about the new version. DTSC also needs to work with USEPA R9 and HQ to modify their ICE translation program for the new version of RCRAInfo. To help DTSC prepare for their transition to this new version of RCRAInfo, USEPA R9 will also continue to coordinate technical support needs with OSW and OECA.

**Issue:**

EPA anticipates that EPA's Office of Enforcement and Compliance will enhance ECHO's public search engine and continue to monitor high priority violators and data clean up efforts (OECA's watch list). To address these compliance data initiatives, EPA is currently engaged in a high priority effort to clean up CME data and prepare for the release of RCRAInfo Version 3.

**Recommendation:**

EPA recommends that DTSC identify a point of contact to communicate these programmatic responsibilities to DTSC staff and managers.

**Issue:**

EPA is currently loading DTSC's permit and corrective action data flat files to RCRAInfo on a monthly basis.

**Recommendations:**

EPA recommends that DTSC create a translation program to load their own data directly into RCRAInfo.

DTSC may also want to build a delete function in HWP so that staff will have the capability of deleting data errors.

EPA also recommends that DTSC develop a quality control plan. A QA/QC plan will enable staff to check the quality of the data that has been loaded into RCRAInfo.

**Issue:**

RCRAInfo indicates there are 4,227 LQGs in California. BRS data and DTSC's experience indicate that the true number of LQGs in California is significantly lower, perhaps as low as 1,400 LQGs. The source of this discrepancy must be resolved so that a more accurate California LQG universe can be reflected in RCRAInfo.

**Recommendation:**

During SFY 05, DTSC must develop and execute a plan to refine the number of actual California LQGs reported in RCRAInfo. Through our OSW RCRAInfo and OECA contacts, EPA will help identify the source of the discrepant LQG data reported in RCRAInfo and ECHO.

#### **IV. Pollution Prevention**

## Highlights

- a. **Resource Conservation Challenge:** DTSC has completed all the commitments in their workplan regarding waste minimization and pollution prevention. There were no specific expectations regarding the Resource Conservation Challenge. However, many of DTSC's activities reflect the priorities of the RCC. The SB14 planning process promotes product stewardship, and the Green Business programs all include incentives to reduce waste generation, purchase greener products, and improve resource efficiency for energy, water and materials.
- b. **Compliance Assistance:** DTSC has helped the Green Business Program expand throughout California. New programs were launched in San Diego and Sacramento Counties, and in the Monterey Bay area (Monterey County and Santa Cruz). DTSC provided coordination and technical assistance to these areas.
- c. **Issues and Recommendations**

### Issue:

No issues. DTSC has completed all the commitments in their workplan regarding waste minimization and pollution prevention.

## V. Mexico Border

### Highlights

#### a. Border Inspections and Enforcement

- 1. The DTSC has met its state grant obligations by providing enforcement at the ports of entry in Calexico and Otay Mesa and supporting various Border 2012 events and activities.
- 2. The enforcement of import/export regulations at the land crossing ports of entry (POE) is one of EPA's priorities under the DTSC state grant. DTSC conducts inspections at the Calexico and Otay Mesa POE's on a weekly basis, along with US Customs and Border Protection (CBP). DTSC contracts San Diego County (SDC) to support inspections; the contracting of this local government agency broadens the and strengthens support at the border. SDC has local resources and expertise to bring emergency response services to the border. Should an emergency response be required, both DTSC and SDC familiarity with the POE operations is an advantage.
- 3. The POE inspections generated only minor violations and in one case, the import's were returned to the country of origin.

#### b. Border 2012

- 1. DTSC has regularly participated in border meetings, including the Border 2012 Waste and Enforcement Task Force meetings. They have also coordinated enforcement issues with other government agencies, including participation at County of San Diego and County of Imperial hazardous waste task force meetings.
- 2. DTSC has supported specific EPA initiatives, such as the binational enforcement

sampling exercise. This exercise, originally scheduled for June 2004, because of scheduling conflicts with the Otay Mesa POE, is planned for January 2005 or closely after. The need to stay current on US hazardous waste compliance regulations is another part of the POE inspection program especially because Mexican customs staff (Aduana) are regularly relocated to other posts. To fulfill this need, DTSC contracted SDC to conduct hazardous waste identification and characterization training for Mexican customs (Aduana) staff.

### **c. Issues and Recommendations**

#### **Issue:**

EPA's priority for the inspection program is to strengthen enforcement by implementing creative inspection approaches and closely coordinating with other enforcement agencies, because there are limited resources available for border inspections. DTSC has been encouraged to explore illegal attempts by transporters of hazardous waste to cross on non-scheduled POE inspection days or other ports. DTSC has conducted spot inspections at the Tecate POE, where hazardous waste is not allowed to cross; although these have not resulted in violations, these types of spot inspections are encouraged. DTSC has also coordinated with California Highway Patrol and Arizona Department of Environmental Quality. These are good examples of the types of actions that should be taken to improve enforcement.

#### **Recommendations:**

EPA encourages DTSC to continue evaluating ways to improve the use of inspectors at the border, such as spot inspections on non-scheduled inspection days. EPA encourages DTSC to develop tools to help with enforcement, such as the database for tracking violations that was mentioned as a possible pilot project.

EPA recommends periodically assessing the training priorities and ways to provide the best value for the resources put into training, especially since training is a large part of the border program. It may be helpful to provide metrics such as number of individuals trained and their role in inspections.

## **VI. Authorization**

### **Highlights**

- a.** California prepared the Land Disposal Restrictions 3&4 and the CAMU (Corrective Action Management Unit) applications and submitted them in August 2004. These packages are the first applications submitted since January 2000 and address issues we voiced last year about needing DTSC to complete authorization applications. The LDR package in particular is very large; it contains 14 checklists.
- b.** A significant amount of the Universal Waste Rule application was completed.
- c. Issues and Recommendations**

#### **Issue:**

No issues. The work plan commitments were met and a significant amount of work was accomplished, i.e., two applications were submitted and a third is almost ready.

## **VII. Grant Management**

### **Highlights**

- a.** In spite of a hiring freeze and potential layoffs requiring staffing analysis, the grant deadlines were all met and communication between DTSC and USEPA was frequent and productive.
- b.** Three DTSC/USEPA quarterly management meetings were held last year. Managers and staff also met more frequently on specific programmatic issues. The project officers at both DTSC and USEPA met regularly and talked frequently over the phone.

### **c. Issues and Recommendations**

#### **Issue:**

No issues. The work plan commitments were met; communication was enhanced over last year, the grant funds were expended, and the financial status report was submitted on time.